

APPEAL NO. 032305
FILED OCTOBER 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 13, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that he did not have disability from an injury sustained on _____; and that (employer) was the claimant's employer for purposes of the 1989 Act at the time of the claimed injury. The claimant appealed, arguing that the hearing officer's injury and disability determinations are against the great weight and preponderance of the evidence. The respondent (carrier) responded, urging affirmance. The hearing officer's employer determination was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer was not persuaded that the claimant injured his back during a preemployment examination as alleged. The hearing officer noted in his Statement of the Evidence that the claimant worked a "strenuous job 12 hours a day for most of two weeks after allegedly hurting his back, and he did not complain of pain or injury during that time." We conclude that the hearing officer's injury and disability determinations are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge